

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STANDARD FIRE INSURANCE COMPANY,  
Plaintiff,

CIVIL ACTION  
NO. 04-12244-GAO

VS.

CROSBY YACHT YARD, INC. AND  
OYSTER HARBORS MARINE, INC.,  
Defendants,

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ACE AMERICAN INSURANCE COMPANY,  
FEDERAL INSURANCE COMPANY,  
INSURANCE COMPANY OF NORTH AMERICA,  
MARYLAND CASUALTY COMPANY,  
NORTHERN INSURANCE COMPANY, SOLDIER  
OF FORTUNE CORPORATION, DIANE L.  
COMOLETTI, and JAMES F. CLEARY,  
Plaintiffs,

CIVIL ACTION  
NO. 04-12252-GAO

VS.

CROSBY YACHT YARD, INC. and  
OYSTER HARBORS MARINE, INC.,  
Defendants,

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OYSTER HARBORS MARINE BUSINESS  
TRUST, as successor in interest to,  
OYSTER HARBORS MARINE, INC.  
and  
HANOVER INSURANCE COMPANY,  
as subrogee of, RICHARD P. MCCOY,  
and  
GLENS FALLS INSURANCE COMPANY,  
as subrogee of, ALFRED & HELEN  
CALLAHAN, III,  
Plaintiffs,

CIVIL ACTION  
NO. 05-10203-GAO

VS.

CROSBY YACHT YARD, INC.,  
Defendant,

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ONE BEACON AMERICA INSURANCE COMPANY,  
Plaintiff

CIVIL ACTION  
NO. 05-10363-GAO

VS.

CROSBY YACHT YARD, INC.,  
Defendant.

**PLAINTIFF'S CORRECTED MOTION TO CONSOLIDATE**

Now comes the plaintiff, One Beacon America Insurance Company, in the above entitled matter, by and through its undersigned counsel, Clinton & Muzyka, P.C. moves this Honorable Court, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate this cause of action into Civil Action Number 04cv12244-GAO, entitled "Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc.", and state as grounds for said motion, the following:

1. That this cause, and Civil Action Number 04cv12244-GAO, pending before the Honorable Judge O'Toole, are brought against the same defendant to redress similar injuries, the only difference being that none of the vessels involved in the matter herein were at Oyster Harbors Marine.

2. That the factual distinctions between these cases are very limited and in no way conflict so as to make separate trials necessary;

3. That the pretrial procedure and motions, if any, will be identical in each case, and there are common questions of law and fact;

4. That in the interest of judicial economy and the avoidance of costs and delay these causes should be consolidated;

5. The motion should be allowed for the reasons set forth in the attached memorandum.

**WHEREFORE,** the plaintiff prays that this cause be consolidated before Judge O'Toole into Civil Action Number 04cv12244-GAO, "Standard Fire Insurance Company v. Crosby Yacht Yard, Inc. and Oyster Harbors Marine, Inc."

By its attorneys,

**CLINTON & MUZYKA, P.C.**

"/s/Robert E. Collins"

Thomas J. Muzyka

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Robert E. Collins

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Dated: January 26, 2006

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

Boston, MA

January 26, 2006

I, Robert E. Collins, hereby certify that I conferred with plaintiff's counsel regarding this Motion and attempted to resolve this issue.

"/s/Robert E. Collins"

Robert E. Collins